

AMENDED IN SENATE JUNE 15, 1998  
AMENDED IN ASSEMBLY APRIL 27, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## ASSEMBLY BILL

No. 2285

Introduced by Assembly Member Brown

February 19, 1998

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An act to ~~add Section 23386.5 to~~ amend Sections 23386 and 25503.5 of the Business and Professions Code, relating to alcoholic beverages.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2285, as amended, Brown. Alcoholic beverages: *instruction*: tastings.

The Alcoholic Beverage Control Act permits any person holding a manufacturer's, winegrower's, manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages.

~~Existing~~ Existing law also authorizes distilled spirits manufacturers and winegrowers to conduct tastings of distilled spirits or wine at specified events.

~~This bill would permit a winegrower, or distilled spirits manufacturer, or an on-sale licensee authorized to sell wine or distilled spirits to give away tastings of distilled spirits or~~

~~wine on the premises of an on-sale licensee, under specified conditions.~~

*The Alcoholic Beverage Control Act permits specified entities to instruct licensees and their employees in the subject of wine, beer, or distilled spirits, and to provide wine, beer, and distilled spirits in connection with that instruction.*

*This bill would permit an on-sale retail licensee authorized to sell wine or distilled spirits, a winegrower, or a distilled spirits manufacturer to instruct consumers at an on-sale retail licensed premises. That consumer instruction may include furnishing wine or distilled spirits, subject to limitation on the quantity that may be provided to each consumer.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. Section 23386.5 is added to the Business~~  
2    ~~and Professions Code, to read:~~

3    ~~23386.5. Notwithstanding any other provision of law,~~  
4    ~~a winegrower or distilled spirits manufacturer, or its~~  
5    ~~authorized agent, or an on-sale licensee authorized to sell~~  
6    ~~wine or distilled spirits, may give away tastings of wine or~~  
7    ~~distilled spirits on the premises of an on-sale licensee~~  
8    ~~provided the following conditions are met:~~

9    ~~(a) No more than one-fourth ounce of distilled spirits~~  
10    ~~may be offered in one tasting.~~

11    ~~(b) No more than one ounce of wine may be offered~~  
12    ~~in one tasting.~~

13    ~~(c) No more than three tastings may be offered to an~~  
14    ~~individual in one day.~~

15    ~~SECTION 1. Section 23386 of the Business and~~  
16    ~~Professions Code is amended to read:~~

17    ~~23386. (a) Any manufacturer's, wine grower's,~~  
18    ~~manufacturer's agent's, rectifier's, importer's, or~~  
19    ~~wholesaler's license also authorizes the giving away of~~  
20    ~~samples of the alcoholic beverages which that are~~  
21    ~~authorized to be sold by the license under such the rules~~  
22    ~~as shall that may be prescribed by the department. A~~

1 retail license does not authorize the furnishing or giving  
2 away of any free samples of alcoholic beverages.

3 *(b) Notwithstanding subdivision (a), an on-sale retail*  
4 *licensee authorized to sell wine may instruct consumers*  
5 *at the on-sale retail licensed premises regarding wines*  
6 *sold by the retail licensee. Notwithstanding subdivision*  
7 *(a), an on-sale retail licensee authorized to sell distilled*  
8 *spirits may instruct consumers at the on-sale retail*  
9 *licensed premises regarding distilled spirits. The*  
10 *instruction may include, without limitation, the history,*  
11 *nature, values, and characteristics of the product, and the*  
12 *methods of presenting and serving the product. The*  
13 *instruction of consumers may include the furnishing of*  
14 *not more than three tastings to any individual in one day.*  
15 *A single tasting of distilled spirits may not exceed*  
16 *one-fourth of one ounce and a single tasting of wine may*  
17 *not exceed one ounce.*

18 SEC. 2. Section 25503.5 of the Business and  
19 Professions Code is amended to read:

20 25503.5. (a) A winegrower, beer manufacturer, or a  
21 beer and wine wholesaler may, without charge, instruct  
22 licensees and their employees, or conduct courses of  
23 instruction for licensees and their employees, on the  
24 subject of wine or beer, including but not limited to, the  
25 history, nature, values, and characteristics of wine or  
26 beer, the use of wine lists, and the methods of presenting  
27 and serving wine or beer. The winegrower, beer  
28 manufacturer, or beer and wine wholesaler may furnish  
29 wine or beer and ~~such~~ the equipment, materials and  
30 utensils ~~as~~ that may be required for use in connection  
31 with ~~such~~ the instruction or courses of instruction.

32 (b) A distilled spirits manufacturer, distilled spirits  
33 manufacturer's agent, distilled spirits general rectifier, or  
34 distilled spirits general importer may, without charge,  
35 instruct licensees and their employees, or conduct  
36 courses of instruction for licensees and their employees,  
37 on the subject of distilled spirits, including, but not  
38 limited to, the history, nature, values, and characteristics  
39 of distilled spirits, and the methods of presenting and  
40 serving distilled spirits. The distilled spirits manufacturer

1 or distilled spirits manufacturer's agent may furnish  
2 distilled spirits and—~~such~~ the equipment, materials, and  
3 utensils ~~as~~ that may be required for use in connection  
4 with ~~such~~ the instruction or courses of instruction.

5 (c) ~~Such~~ A winegrower or distilled spirits  
6 manufacturer, or its authorized agent may instruct  
7 consumers at an on-sale retail licensed premises  
8 authorized to sell its product with the permission of the  
9 retail on-sale licensee. The instruction may include,  
10 without limitation, the history, nature, values, and  
11 characteristics of the product and the methods of  
12 presenting and serving the product. The instruction of  
13 consumers may include the furnishing of not more than  
14 three tastings to any individual in one day. A single tasting  
15 of distilled spirits may not exceed one-fourth of one ounce  
16 and a single tasting of wine may not exceed one ounce.  
17 The winegrower or distilled spirits manufacturer, or its  
18 authorized agent shall remove any unfinished alcoholic  
19 beverages that he or she provided following the  
20 instruction.

21 (d) The instruction or courses of instruction,  
22 authorized in subdivision (a) or (b), may be given at the  
23 premises of the winegrower, beer manufacturer, beer  
24 and wine wholesaler, distilled spirits manufacturer,  
25 distilled spirits manufacturer's agent, distilled spirits  
26 general rectifier, distilled spirits general importer or of a  
27 licensee, including an on-sale retail licensee, or  
28 elsewhere.